

No.



200100007

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Abbott & Cobb, Inc.

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

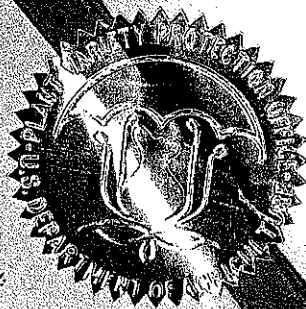
AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLACEMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE FOREGOING PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WATERMELON

'#790 HQ'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-fourth day of April, in the year of our Lord two thousand one.



Attest

Alvin H. Post

*Acting Commissioner
Plant Variety Protection Office
Agricultural Marketing Service*

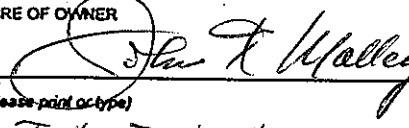
[Signature]
Secretary of Agriculture

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
SCIENCE AND TECHNOLOGY - PLANT VARIETY PROTECTION OFFICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE
(Instructions and information collection burden statement on reverse)

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF OWNER Abbott and Cobb, Inc.		2. TEMPORARY DESIGNATION OR EXPERIMENTAL NAME ACX-5411		3. VARIETY NAME 03/20/01 #790 Hq 5th 1st 2nd 3rd 4th 5th 6th 7th 8th 9th 10th 11th 12th 13th 14th 15th 16th 17th 18th 19th 20th 21st 22nd 23rd 24th 25th 26th 27th 28th 29th 30th 31st 32nd 33rd 34th 35th 36th 37th 38th 39th 40th 41st 42nd 43rd 44th 45th 46th 47th 48th 49th 50th 51st 52nd 53rd 54th 55th 56th 57th 58th 59th 60th 61st 62nd 63rd 64th 65th 66th 67th 68th 69th 70th 71st 72nd 73rd 74th 75th 76th 77th 78th 79th 80th 81st 82nd 83rd 84th 85th 86th 87th 88th 89th 90th 91st 92nd 93rd 94th 95th 96th 97th 98th 99th 100th	
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code, and Country) P.O. BOX 307 Feasterville, PA 19053-0307		5. TELEPHONE (include area code) (215) 245-6666		FOR OFFICIAL USE ONLY PVPO NUMBER 200100007 FILING DATE 10/11/00	
7. IF THE OWNER NAMED IS NOT A "PERSON", GIVE FORM OF ORGANIZATION (corporation, partnership, association, etc.) Corporation		8. IF INCORPORATED, GIVE STATE OF INCORPORATION Pennsylvania		9. DATE OF INCORPORATION Jan. 2, 1974	
10. NAME AND ADDRESS OF OWNER REPRESENTATIVE(S) TO SERVE IN THIS APPLICATION. (First person listed will receive all papers) Arthur Abbott P.O. BOX 307 Feasterville, PA 19053-0307				FILING AND EXAMINATION FEES: \$2705 DATE 09/22/00 CERTIFICATION FEE \$200 DATE 3-12-01	
11. TELEPHONE (include area code) (215) 245-6666		12. FAX (include area code) (215) 245-9043		13. E-MAIL summerswt@aol.com	
14. CROP KIND (Common Name)		15. GENUS AND SPECIES NAME OF CROP Citrus latifolia		16. FAMILY NAME (Botanical) Cucurbitaceae	
17. IS THE VARIETY A FIRST GENERATION HYBRID? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		18. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow instructions on reverse) a. <input checked="" type="checkbox"/> Exhibit A. Origin and Breeding History of the Variety b. <input checked="" type="checkbox"/> Exhibit B. Statement of Distinctness c. <input checked="" type="checkbox"/> Exhibit C. Objective Description of Variety d. <input checked="" type="checkbox"/> Exhibit D. Additional Description of the Variety (Optional) e. <input checked="" type="checkbox"/> Exhibit E. Statement of the Basis of the Owner's Ownership f. <input checked="" type="checkbox"/> Voucher Sample (2,500 viable untreated seeds or, for tuber propagated varieties, verification that tissue culture will be deposited and maintained in an approved public repository) g. <input checked="" type="checkbox"/> Filing and Examination Fee (\$2,450), made payable to "Treasurer of the United States" (Mail to the Plant Variety Protection Office)		19. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE SOLD AS A CLASS OF CERTIFIED SEED? See Section 83(a) of the Plant Variety Protection Act <input type="checkbox"/> YES (If "yes", answer items 20 and 21 below) <input checked="" type="checkbox"/> NO (If "no," go to item 22)	
20. DOES THE OWNER SPECIFY THAT SEED OF THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ACX-5411 is an F1 Hybrid		21. IF "YES" TO ITEM 20, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED		22. HAS THE VARIETY (INCLUDING ANY HARVESTED MATERIAL) OR A HYBRID PRODUCED FROM THIS VARIETY BEEN SOLD, DISPOSED OF, TRANSFERRED, OR USED IN THE U. S. OR OTHER COUNTRIES? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, YOU MUST PROVIDE THE DATE OF FIRST SALE, DISPOSITION, TRANSFER, OR USE FOR EACH COUNTRY AND THE CIRCUMSTANCES. (Please use space indicated on reverse.)	
23. IS THE VARIETY OR ANY COMPONENT OF THE VARIETY PROTECTED BY INTELLECTUAL PROPERTY RIGHT (PLANT BREEDER'S RIGHT OR PATENT)? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, PLEASE GIVE COUNTRY, DATE OF FILING OR ISSUANCE AND ASSIGNED REFERENCE NUMBER. (Please use space indicated on reverse.)		24. The owners declare that a viable sample of basic seed of the variety will be furnished with application and will be replenished upon request in accordance with such regulations as may be applicable, or for a tuber propagated variety a tissue culture will be deposited in a public repository and maintained for the duration of the certificate. The undersigned owner(s) is(are) the owner of this sexually reproduced or tuber propagated plant variety, and believe(s) that the variety is new, distinct, uniform, and stable as required in Section 42, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Owner(s) is(are) informed that false representation herein can jeopardize protection and result in penalties.			
SIGNATURE OF OWNER 		SIGNATURE OF OWNER			
NAME (Please print or type) John F. Malley		NAME (Please print or type)			
CAPACITY OR TITLE EX V/PRES. Prod/Marketing		DATE 9/21/00		CAPACITY OR TITLE	
DATE		DATE		DATE	

INSTRUCTIONS

GENERAL: To be effectively filed with the Plant Variety Protection Office (PVPO), ALL of the following items must be received in the PVPO: (1) Completed application form signed by the owner; (2) completed exhibits A, B, C, E; (3) for a seed reproduced variety at least 2,500 viable untreated seeds, for a hybrid variety at least 2,500 untreated seeds of each line necessary to reproduce the variety, or for tuber reproduced varieties verification that a viable (in the sense that it will reproduce an entire plant) tissue culture will be deposited and maintained in an approved public repository; (4) check drawn on a U.S. bank for \$2,450 (\$300 filing fee and \$2,150 examination fee), payable to "Treasurer of the United States" (See Section 97.6 of the Regulations and Rules of Practice.) Partial applications will be held in the PVPO for not more than 90 days, then returned to the applicant as unfilled. Mail application and other requirements to Plant Variety Protection Office, AMS, USDA, Room 500, NAL Building, 10301 Baltimore Avenue, Beltsville, MD 20705-2351. Retain one copy for your files. All items on the face of the application are self explanatory unless noted below. Corrections on the application form and exhibits must be initialed and dated. DO NOT use masking materials to make corrections. If a certificate is allowed, you will be requested to send a check payable to "Treasurer of the United States" in the amount of \$300 for issuance of the certificate. Certificates will be issued to owner, not licensee or agent.

Plant Variety Protection Office

Telephone: (301) 504-5518

FAX: (301) 504-5291

Homepage: <http://www.ams.usda.gov/science/pvp.htm>

ITEM

- 18a. Give:
- (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method;
 - (2) the details of subsequent stages of selection and multiplication;
 - (3) evidence of uniformity and stability; and
 - (4) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified
- 18b. Give a summary of the variety's distinctness. Clearly state how this application variety may be distinguished from all other varieties in the same crop. If the new variety is most similar to one variety or a group of related varieties:
- (1) identify these varieties and state all differences objectively;
 - (2) attach statistical data for characters expressed numerically and demonstrate that these are clear differences; and
 - (3) submit, if helpful, seed and plant specimens or photographs (prints) of seed and plant comparisons which clearly indicate distinctness
- 18c. Exhibit C forms are available from the PVPO Office for most crops; specify crop kind. Fill in Exhibit C (Objective Description of Variety) form as completely as possible to describe your variety.
- 18d. Optional additional characteristics and/or photographs. Describe any additional characteristics that cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 18e. Section 52(5) of the Act requires applicants to furnish a statement of the basis of the applicant's ownership. An Exhibit E form is available from the PVPO.
19. If "Yes" is specified (*seed of this variety be sold by variety name only, as a class of certified seed*), the applicant MAY NOT reverse this affirmative decision after the variety has been sold and so labeled, the decision published, or the certificate issued. However, if "No" has been specified, the applicant may change the choice. (See Regulations and Rules of Practice, Section 97.103).
22. See Sections 41, 42, and 43 of the Act and Section 97.5 of the regulations for eligibility requirements.
23. See Section 5.5 of the Act for instructions on claiming the benefit of an earlier filing date.

22. CONTINUED FROM FRONT (Please provide the date of first sale, disposition, transfer, or use for each country and the circumstances, if the variety (including any harvested material) or a hybrid produced from this variety has been sold, disposed of, transferred, or used in the U.S. or other countries.)

Seed of ACX-5411 have been selling since May 1, 2000

23. CONTINUED FROM FRONT (Please give the country, date of filing or issuance, and assigned reference number, if the variety or any component of the variety is protected by intellectual property right (Plant Breeder's Right or Patent).)

W-9811 is the female parent of ACX-5411. It is protected by PVP, Certificate NO. 9900253, issued on June 8, 2000 in the USA

NOTES: It is the responsibility of the applicant/owner to keep the PVPO informed of any changes of address or change of ownership or assignment or owner's representative during the life of the application/certificate. There is no charge for filing a change of address. The fee for filing a change of ownership or assignment or any modification of owner's name is specified in Section 97.175 of the regulations. (See Section 101 of the Act, and Sections 97.130, 97.131, 97.175(h) of the Regulations and Rules of Practice.)

To avoid conflict with other variety names in use, the applicant must check the variety names proposed by contacting: Seed Branch, AMS, USDA, Room 213, Building 306, Beltsville Agricultural Research Center-East, Beltsville, MD 20705. Telephone: (301) 504-8089.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Clearance Officer, OIRM, AG Box 7630, Jamie L. Whitten Building, Washington, D.C. 20250. When replying, refer to OMB No. 0581-0055 and form number in your letter. Under the PRA of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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5&T-470 (6-98) designed by the Plant Variety Protection Office with WordPerfect 6.0e. Replaces STD-470 (03-96) which is obsolete.


ABBOTT & COBB, INC.

P.O. BOX 307 • FEASTERVILLE, PA 19053-0307
(215) 245-6666 • FAX (215) 245-9043

EXHIBIT A : ORIGIN AND BREEDING HISTORY OF ACX-5411

ACX-5411 is a first generation diploid hybrid watermelon characterized with a distinct, intermediately lobed leaf type, vigorous vines, and sustained flowering habit late into the season. The parents of ACX-5411 are W-9811, (female parent), and W-108 (male parent).

Breeding History of Female parent W-9811

W-9811, the female parent of ACX-5411, has been fully described in a Plant Variety Protection Application. A PVP certificate No 9900253 was issued on June 8, 2000.

Breeding History of the Male Parent W-108

W-108, the Male parent for ACX-5411, has a non-lobed leaf type, and cylindrical, dark striped fruits, that closely resembles the fruits of Calsweet. W-108 was developed by a private plant breeder, who subsequently granted Abbott and Cobb, Inc., exclusive and perpetual production and distribution rights for any and all hybrids that use W-108 as one parent. The non-lobed leaf character was derived from the original Black Diamond non-lobed variant, that was developed by H.C. Mohr (see references 1 and 2 below).

The non-lobed leaf character was incorporated into commercially acceptable types, through a breeding system involving alternate generations of back crossing and selfing. Calsweet was used as the recurrent parent.

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The selection criteria used to develop W-108 were the following:

- 1- Non-lobed leaf type**
- 2- Cylindrical fruits with dark stripes**
- 3- Tight seed cavities**
- 4- Dark red flesh color**
- 5- Black seeds with medium size**
- 6- Resistances to rind necrosis, Fusarium wilt race-1 and Anthracnose race-1.**

W-108 most resembles Calsweet, but it differs from Calsweet in that W-108 has non-lobed leaves whereas Calsweet has normal lobed leaves. Also W-108 is resistant to rind necrosis whereas Calsweet is susceptible to rind necrosis.

References

- 1- Mohr, H.C. , H.T. Blackhurst, and E.R. Jenses. 1955. Fi Hybrid watermelons from open pollinated seed by use of a genetic marker. JASHS. Pp 399-404.**
- 2- Mohr, H.C. 1942. A mutant leaf form in watermelon. Proc Association of Southern Agricultural workers. Pp 129-130.**

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EXHIBIT B : STATEMENT OF DISTINCTNESS : ACX-5411

ACX-5411 belongs to a new class of F1 diploid hybrid watermelon cultivars, produced by crossing a non-lobed leaf parent with a normally lobed-leaf parent. The F1 hybrid has an intermediate-lobed leaf character. One of the polymorphic effects of the non-lobed leaf character, is to confer on the hybrid extra plant vigor and longer flowering period. F1 hybrids of this type proved to be ideal as pollinators for triploid watermelons.

ACX-5411 most closely resembles Summer Flavor-800 (PVP Certificate No 200000011), but it differs from SF-800 in the following characteristics:

- 1- ACX-5411 is three days earlier than SF-800.**
- 2- ACX-5411 fruit size is 9 kg, whereas, that of SF-800 is 11 kg.**
- 3- ACX-5411 has larger seed size than SF-800. The weight of 1000 seeds of ACX-5411 is 61 grams, whereas, that of SF-800 is 52 grams.**

"SERVING THE COMMERCIAL GROWER SINCE 1917"

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICEEXHIBIT C
(Watermelon)BELTSVILLE, MARYLAND 20705
OBJECTIVE DESCRIPTION OF VARIETY
WATERMELON (CITRULLUS LANATUS)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

FOR OFFICIAL USE ONLY

Abbott & Cobb, Inc.

PVPO NUMBER

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

200100007

P.O. BOX 307
Feasterville, PA 19053VARIETY NAME OR TEMPORARY
DESIGNATION

ACX-5411

Place the appropriate number that describes the varietal character of this variety in the boxes below.

Place a zero in first box (e.g. or) when number is either 99 or less or 9 or less.

1. TYPE:

 1 = OBLONG 2 = ROUND LARGE 3 = ROUND SMALL (icebox)

2. AREA OF BEST ADAPTATION:

 1 = SOUTH 2 = NORTHEAST/NORTHCENTRAL 3 = SOUTHWEST 4 = MOST AREAS

3. EMERGENCE TO ANTHESIS:

 NO. OF DAYS EARLIER THAN 1 = CHARLESTON GREY NO. OF DAYS LATER THAN 2 = OTHER (Specify) SF-800

4. POLLINATION TO MATURITY:

 NO. OF DAYS EARLIER THAN 1 = CHARLESTON GREY NO. OF DAYS LATER THAN 2 = OTHER (Specify) SF-800

5. PLOIDY:

 1 = DIPLOID 2 = TETRAPLOID 3 = TRIPLOID

6. PLANT

 Cotyledon: 1 = FLAT 2 = FOLDED 1 = MONOEICIOUS 2 = ANDROMONOEICIOUS

Number of flowers per plant at first fruit set:

 STAMINATE PISTILLATE PERFECT NO. OF MAIN STEMS AT CROWN

7. STEM:

 1 = ROUND 2 = ANGULAR MM. DIAMETER AT SECOND NODE 1 = GLABROUS 2 = SCABROUS 3 = PUBESCENT 4 = BRISTLED CM. VINE LENGTH \div NO. OF INTERNODES (At last harvest)

8. LEAF:

 1 = OVATE 2 = OBOVATE 3 = ROUND 1 = LONGER THAN WIDE 2 = LENGTH-WIDTH EQUAL
3 = WIDER THAN LONG Dorsal Surface: } 1 = SMOOTH 2 = PUBESCENT Ventral Surface: } Color: 1 = LIGHT GREEN 2 = GRAY GREEN
3 = MEDIUM GREEN 4 = DARK GREEN

9. FLOWER (At first fruit set):

 Staminate: CM. ACROSS Perfect: CM. ACROSS Color: 1 = LEMON YELLOW
2 = YELLOW 3 = ORANGE

10. MATURE FRUIT:

1 - ROUND 2 - OVAL 3 - CYLINDRICAL CM. LONG CM. DIAMETER AT MIDSECTION
 KG. AVERAGE WEIGHT INDEX = LENGTH \div DIAMETER X 10
 1 - SMOOTH 2 - SLIGHTLY GROOVED 3 - DEEPLY GROOVED
 Color: 1 - SOLID (One color) 2 - STRIPE 3 - MOTTLE/NET
 Primary Color: 1 - YELLOW GREEN (Desert King) 2 - LIGHT GREEN (Charleston Grey) 3 - MEDIUM GREEN (Sugar Baby)
 Secondary Color: 4 - DARK GREEN (Florida Giant) 5 - OTHER (Specify) _____

11. RIND:

1 - TENDER 2 - BRITTLE 3 - TOUGH THICKNESS MM. BLOSSOM END
 THICKNESS MM. SIDES

12. FLESH:

1 - CRISP 2 - SOFT 1 - COARSE-FIBROUS 2 - FINE-LITTLE FIBER
 Color: 1 - YELLOW 2 - ORANGE 3 - PINK 4 - RED 5 - DARK RED
 REFRACTOMETER % SOLUBLE SOLIDS OF JUICE (Center of fruit) % CHECK VARIETY (Specify) SF-800
 % HOLLOW HEART % PLACENTAL SEPARATION % TRANSVERSE CRACK

13. SEED:

MM. LONG MM. WIDE MM. THICK
 INDEX \div LENGTH \div WIDTH X 10 GM. PER 1000 SEED NO. SEED PER FRUIT
 Color: 1 - WHITE 2 - WHITE-TAN TIPPED 3 - WHITE-PINK TIPPED 4 - TAN 5 - GREEN
 6 - RED 7 - DARK BROWN 8 - DARK BROWN MOTTLED 9 - BLACK 10 - MOTTLED BLACK

14. DISEASE RESISTANCE: (0 = Untested, 1 = Susceptible, 2 = Resistant)

ANTHRACNOSE (Race 1) DOWNY MILDEW FUSARIUM WILT R-1 GUMMY STEM BLIGHT
 SQUASH MOSAIC WATERMELON MOSAIC POWDERY MILDEW CUCUMBER MOSAIC
 OTHER (Specify) _____

15. OTHER RESISTANCE: (0 = Untested, 1 = Susceptible, 2 = Resistant)

SUNBURN ROOT KNOT OTHER (Specify) _____

16. NAME A VARIETY THAT MOST CLOSELY RESEMBLES THAT SUBMITTED:

Days maturity	<u>SunSweet</u>	Fruit shape	<u>SF-800</u>
Plant vigor	<u>SF-800</u>	Rind color	<u>SF-800</u>
Fruit Size	<u>CALSweet</u>	Flesh quality	<u>SF-800</u>

REFERENCES:

1. Frey, K. J. 1966. Plant Breeding - Symposium. 1 ed. Iowa State University Press.
2. Ware, G. W. and McCollum, J. P. 1968. Producing Vegetable Crops. Interstate Printers & Publishers, Inc. Danville, Illinois.
3. Whitaker, T. W. and Davis, G. N. 1962. Cucurbits. Interscience Publishers, Inc. New York.
4. Nickerson's or any recognized color fan should be used to determine the plant colors of the described variety.

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Exhibit - D

ACX-5411



"SERVING THE COMMERCIAL GROWER SINCE 1917"

ACX-5411

Branches:
Bakersfield, CA (805) 322-1200
Brawley, CA (619) 344-4788

McAllen, TX (210) 682-0174
Nogales, AZ (520) 281-1612

West Palm Beach, FL (407) 795-2588

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Exhibit - D



"SERVING THE COMMERCIAL GROWER SINCE 1917"

C=ACX-5411

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Bakersfield, CA (805) 322-1200
Brawley, CA (619) 344-4788

McAllen, TX (210) 682-0174
Nogales, AZ (520) 281-1612

West Palm Beach, FL (407) 795-2588

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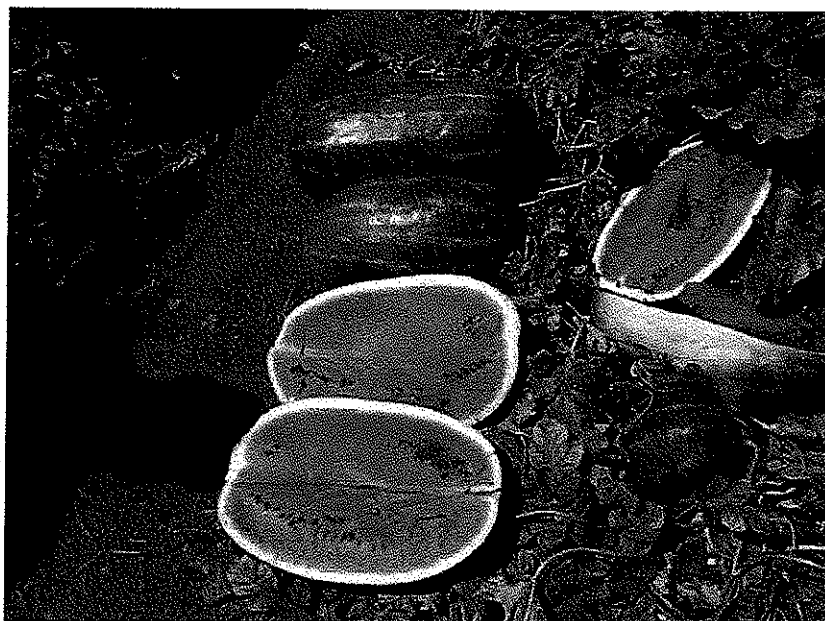
AN AMERICAN TRADITION
IN VEGETABLE SEEDS

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Exhibit D

ACX-5411



"SERVING THE COMMERCIAL GROWER SINCE 1917"

A=ACX-5411

Branches:
Bakersfield, CA (805) 322-1200
Brawley, CA (619) 344-4788

McAllen, TX (210) 682-0174
Nogales, AZ (520) 281-1612

West Palm Beach, FL (407) 795-2588

200200007

REPRODUCE LOCALLY. Include form number and edition date on all reproductions.

FORM APPROVED - OMB NO. 0581-0055

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

EXHIBIT E

STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) <i>Abbott and Cobb, Inc.</i>	2. TEMPORARY DESIGNATION OR EXPERIMENTAL NUMBER <i>ACX-5411</i>	3. VARIETY NAME
4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country) <i>P.O. Box 307 Feasterville, PA 19053</i>	5. TELEPHONE (include area code) <i>215-245-6666</i>	6. FAX (include area code) <i>215-245-9043</i>
7. PVPO NUMBER <i>200100007</i>		
8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

9. Is the applicant (individual or company) a U.S. national or U.S. based company? If no, give name of country <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
10. Is the applicant the original owner? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, please answer one of the following:	
a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country	
b. If original rights to variety were owned by a company(ies), is (are) the original owner(s) a U.S. based company? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country	
11. Additional explanation on ownership (if needed, use reverse for extra space):	

Abbott and Cobb, Inc. is the sole owner of ACX-5411, an F1 hybrid diploid watermelon. Abbott & Cobb, Inc. is the sole owner of the two parents of ACX-5411

PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

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To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

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